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## LATHAM & WATKINS LLP

April 8, 2015

### VIA ECF

The Honorable Katherine B. Forrest  
United States District Court  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1950  
New York, New York 10007-1312

Re: *In re Zinc Antitrust Litig.*, No. 14 Civ. 3728 (KBF)

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Dear Judge Forrest:

This is in response to the Court's expressed interest in understanding the LME's position concerning the request of the zinc plaintiffs for a 30 day extension of the time to file a consolidated amended complaint.

First, the LME defendants did not object to the request; counsel for plaintiffs never contacted the LME to discuss it. They contacted counsel for the other defendants, who informed them that they would "need to talk separately with the LME's counsel." They have not done so. Thus, I was surprised to see the letter request for the extension come across the court's electronic filing system last night. Had plaintiffs contacted me, I would have informed them that we do not object to their request for a 30 day extension of time to file their consolidated amended complaint in zinc.

We do object to their apparent intention to name any of the LME entities as defendants on that complaint, however. As I have told Ms. Nussbaum, it is our position that this Court's orders in the aluminum case, granting the LME's motion to dismiss on sovereign immunity grounds (D.I. 564) and the motions of HKEx and LME Holdings to dismiss on personal jurisdiction grounds (D.I. 728) govern plaintiffs' ability to state a claim against those same entities in the zinc complaint as well. Thus, it is a waste of the LME defendants' and the Court's resources to require the LME defendants to re-brief both of those issues in the zinc case and the Court to decide them again. This is the subject upon which we are conferring with Ms. Nussbaum. It is my hope that the parties' discussions on this topic will resolve the issue without any need for Court action.

LATHAM & WATKINS<sup>LLP</sup>

If you have any further questions, please let me know.

Respectfully submitted,

/s/ Margaret M. Zwisler  
Margaret M. Zwisler

cc: All Counsel of Record (via ECF)